



Rep. Rita Mayfield

Filed: 3/19/2013

09800HB3005ham001

LRB098 05349 JLS 43446 a

1 AMENDMENT TO HOUSE BILL 3005

2 AMENDMENT NO. _____. Amend House Bill 3005 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Employee Background Check Act.

6 Section 5. Definitions. As use in this Act:

7 "Background check" means a pre-interview criminal history
8 inquiry.

9 "Candidate" means any person considered by an employer when
10 identifying potential employees including, but not limited to,
11 persons who ask to be considered for employment or who request
12 information from an employer regarding potential employment.

13 "Employer" means any entity that employs one or more
14 persons.

15 "Employment" means any occupation or vocation.

16 "Inquire" means to ask either orally or in writing.

1 Section 10. Background check permitted.

2 (a) An employer may conduct or have conducted on its behalf
3 a background check on a candidate for employment only after the
4 candidate has completed an application, been determined
5 qualified for the position, and been interviewed for
6 employment. An employer may not inquire about a candidate's
7 background before the candidate has been interviewed.

8 (b) The limitation on the utilization of background checks
9 set forth in subsection (a) of this Section does not apply to,
10 nor limit, the conducting of background checks by or on behalf
11 of an employer if a candidate's criminal history is an
12 essential factor in any hiring decision for a position for
13 which criminal history of the applicant is of such sensitivity
14 that a background check is warranted. The limitation set forth
15 in subsection (a) does not apply to healthcare, law
16 enforcement, or financial institution employers if those
17 employers comply with Section 20 of this Act.

18 (c) This Section does not prohibit an employer from asking
19 a candidate about criminal convictions during an interview.

20 Section 15. Remedy.

21 (a) A candidate may apply to the circuit court for issuance
22 of an injunction to enforce compliance with this Act.

23 (b) A candidate may recover actual damages, reasonable
24 attorney's fees, costs, and reasonable expenses of litigation

1 from an employer who violates this Act.

2 Section 20. Employer transparency. If an employer's
3 publicly documented policy or a federal or State law
4 disqualifies a person convicted of a specific offense from
5 holding a position, an application for that position may ask if
6 the applicant has been convicted of any of those disqualifying
7 offenses. The employer shall provide a copy of the relevant
8 citation or policy that requires the employer to disqualify the
9 candidates because of a given offense.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".